



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 18 2014

OFFICE OF
WATER

Ms. Rebecca Hammer
Natural Resources Defense Council, Inc.
1152 15th Street NW, Suite 300
Washington, D.C. 20005

Mr. Lawrence Levine
Natural Resources Defense Council, Inc.
40 West 20th Street
New York, NY 10011

Re: Freedom of Information Act Requests EPA-HQ-2014-007628

Dear Ms. Hammer and Mr. Levine:

This e-mail responds to your June 19, 2014 Freedom of Information Act (FOIA) request concerning various documents related to the U.S. Environmental Protection Agency's (EPA) responses to residual designation petitions in Regions 1, 3, and 9, rulemaking docket EPA-HQ-OW-2008-0817, and various records associated with EPA or State action with respect to 40 CFR §122.26(f)(1). This letter is to discuss the timing of our response and to discuss the scope of your multi-subpart FOIA requests to reflect our conversations to date.

EPA has initiated the coordination of and search for responsive records in our files. As EPA staff explained during the conference call on July 10, 2014, your FOIA request raises a number of "unusual circumstances," and the Agency requires an extension of time to completely respond to your request. Given the scope of the request, the EPA anticipates that completing the response to your request will require significant amount of the EPA's resources and time to search for, and appropriately examine the voluminous amount of records from the three EPA Regions (for items 1 (a)-(n) and 3, and all ten EPA Regions (for items 4-5) and the concerned Headquarters offices (items 1-5). We appreciate your understanding with respect to the amount of time it is anticipated to take to respond to your request. As a result of our July 10 call and follow-up emails, the following reflects both agreed-upon timeframes, as well as anticipated response times for the other items in your request. We are willing to discuss shorter deadlines for these other items if you wish to modify or narrow the scope of those requests.

With respect to items #1(a)-(n), concerning "any data or analysis (including datasets used for any GIS analyses) or other records that EPA created, reviewed, or otherwise considered in

connection with the Agency's preparation of its responses to the Petitions" as further specified in subparts (a)–(n), as agreed on the July 10 call, EPA will provide you with the administrative record for EPA's responses to the residual designation petitions referenced in your FOIA request from Regions 1 and 9 by July 30, 2014, and from Region 3 by August 4, 2014. Given the broad scope of records requested and the considerable time needed to review all records to determine if there are responsive documents beyond those in the administrative record, we anticipate we will provide you with our response regarding those documents by approximately November 2014. However, we are willing to have further discussions if you would like modify or narrow your request so that it may be processed sooner. We are willing to discuss this at any time, but it may be most useful to have any further discussions about the scope of the request for items #1(a)–(n) after you have had a chance to review the administrative records for the petitions.

With respect to Item #2 of your FOIA request concerning "analyses developed in connection with rulemaking docket number EPA–HQ–OW–2009–0817 concerning the extent to which state-issued or EPA-issued MS4 permits include requirements to retrofit existing impervious areas," EPA and NRDC agreed to a response date of August 15, 2014.

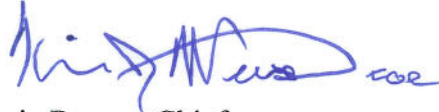
With respect to item #3, concerning any "assessments of the adequacy of the stormwater pollution control efforts of individual MS4s within EPA Regions 1, 3, and 9, we understand that you are seeking documents dated within five years prior to the date of EPA's responses to the petitions. We further understand, based on our communications that you are seeking completed assessments (as opposed to internal deliberative communications, e.g. emails between EPA staff) for this five year period. With respect to item #3, we estimate a response by approximately October 2014. If you would like to further modify or narrow the scope of this request to shorten this response time, we would be happy to discuss this with you.

With respect to Items 4 and 5, concerning "any and all records concerning petitions submitted to EPA or a State under 40 CFR § 122.26(f)(1) and EPA's responses thereto; and any and all records concerning EPA's or a State's exercise of its authority to designate sites identified in 40 CFR § 122.26(f)(1) for NPDES permitting. . . " we agreed on the July 10 call to provide responses by July 31, 2014 from Headquarters' offices and Regions 1, 5, 7 and 8. In addition, we have now ascertained that the remaining Regions also anticipate being able to respond by July 31, 2014.

Again, we very much appreciate your understanding regarding the time it will take to respond to a request of this scope. If you have any questions or concerns regarding this matter, or wish to have further discussion about narrowing the scope of the request to shorten response times, please contact Debora Clovis of my staff. She can be reached at (202) 564-0739 or clovis.debora@epa.gov.

In addition, you may contact the Acting EPA FOIA Public Liaison, Larry Gottesman, at 202-566-1659 or gottesman.larry@epa.gov, to assist with this matter.

Sincerely,



Connie Bosma, Chief
Municipal Branch
Office of Wastewater Management

cc: Diane Jones-Coleman
Office of Water FOIA Officer